

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

**TAIWAN WALLACE, ROGER DAVIS,
MICHAEL STURDIVANT, GLEN FLOYD,
EMILY COLSON, BRODERICK BURNETT,
and BRIDGETTE TATE, Each Individually and
on Behalf of All Others Similarly Situated**

PLAINTIFFS

vs. No. 4:22-cv-337-KGB

EVERGREEN PACKAGING, LLC

DEFENDANT

DECLARATION OF ATTORNEY DOUGLAS WERMAN

I, Douglas M. Werman, declare under penalty of perjury the following:

1. I am a member in good standing of the Illinois State Bar and am the managing shareholder of Werman Salas P.C.
2. Unless stated otherwise, this Declaration is based on my personal knowledge.
3. I graduated from Loyola University of Chicago's School of Law in 1990. I received my undergraduate degree from the University of Illinois, Champaign-Urbana, in 1987. I was admitted to practice law in the State of Illinois in 1990.
4. I am admitted in the following courts:

COURT OF ADMISSION	DATE OF ADMISSION
State Admissions	
State of Illinois	11/8/1990
U.S. District Courts	
Northern District of Illinois	12/20/1990
Western District of Michigan	6/24/1999
Central District of Illinois	3/30/2001
Southern District of Illinois	4/8/2010
Northern District of Indiana	10/25/2010
Eastern District of Michigan	6/17/2014

Western District of New York	7/22/2015
Federal Claims Court	8/13/2015
Southern District of Indiana	11/5/2015
Eastern District of Arkansas	12/4/2015
District of Colorado	6/6/2017
Appellate Courts	
Seventh Circuit Court of Appeals	8/5/1994
Eleventh Circuit Court of Appeals	5/6/2015
Tenth Circuit Court of Appeals	4/21/2016
Ninth Circuit Court of Appeals	5/20/2016

5. During the entire course of my legal practice, I have practiced primarily in the area of labor and employment law. Since 2001, my practice has been highly concentrated in representing employees in cases arising under federal and state wage and hour laws.

6. My published cases in the area of wage and hour and employment law exceed 250 decisions and include *Ervin v. OS Rest. Servs.*, 632 F.3d 971 (7th Cir. 2011), the leading appellate decision addressing the propriety of a combined Rule 23 class action and a FLSA collective action under 29 U.S.C. § 216(b).

7. I was the primary author or co-author of the following National Employment Lawyers Association (“NELA”) amicus briefs:

- *Richards v. Eli Lilly & Company*, Case No. 24-2574 (7th Cir) currently pending before the Seventh Circuit of Court of Appeals relating to the correct legal standard for district courts to apply in determining whether to “conditionally certify” a collective under 29 U.S.C. § 216(b);
- *Fast v. Applebee's Int'l, Inc.*, 638 F.3d 872 (8th Cir. 2011) cert. denied ___ U.S. ___, 181 L. Ed. 2d 977 (Jan. 17, 2012), which deals with Section 3(m) of the Fair Labor Standards Act, and what duties a tipped employee may lawfully perform while receiving a tip-credit wage rate;
- *Roach v. T.L. Cannon Corp.*, 778 F.3d 401 (2d Cir. 2015), which resulted in the successful appeal and reversal of a district court’s decision denying class certification on the grounds that individualized damages in a wage and hour class action defeated predominance under Fed. R. Civ. P. 23(b)(3). The Roach decision is one of the lead appellate decisions addressing the impact of the United States Supreme Court decision in *Comcast Corp. v. Behrend*, ___ U.S. ___, 133 S. Ct.

1426 (2013) on the predominance prong of Fed. R. Civ. P. 23(b)(3) in wage and hour class actions.

8. I am a member of the Board of Editors of the leading treatise on the Fair Labor Standards Act, entitled, "Kearns, The Fair Labor Standards Act," published by Bloomberg BNA in conjunction with the American Bar Association Section of Labor and Employment Law. I am the primary author of Chapter 9, "Minimum Wages," and Chapter 18 "Settlement of FLSA Litigation" of that treatise.

9. Since January 2000, I have been lead counsel in over a thousand cases filed in federal and state courts. The majority of these cases proceeded as collective actions under § 216(b) of the FLSA and/or set forth class action claims under Fed. R. Civ. P. 23.

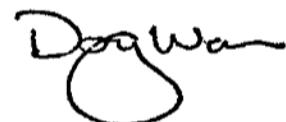
10. I have significant experience prosecuting wage and hour class and collective actions. I have been designated lead or co-lead counsel in scores of wage and hour class actions and/or collective actions. Most recently, see, Thomas v. TEKsystems, Inc., No. 2:21-CV-460, 2025 WL 756067, at *1 (W.D. Pa. Mar. 10, 2025); Avery v. TEKsystems, Inc., No. 3:22-CV-02733-JSC, 2024 WL 4281442, at *1 (N.D. Cal. Sept. 23, 2024); Pruess v. Presbyterian Health Plan, Inc., 745 F. Supp. 3d 1218 (D.N.M. 2024). See also, Ortiz v. Manpower, Inc., No. 12 C 5248 (N.D. Ill. August 21, 2012) (class comprising over 85,000 employees); Arrez v. Kelly Services, Inc., No. 07 C 1289 (N.D. Ill.) (class of over 95,000 employees); Polk v. Adecco, No. 06 CH 13405 (Cook County, Ill.) (class of over 36,000 employees); Robbins v. Blazin Wings, Inc., No. 15-CV-6340 CJS, 2016 WL 1068201, at *1 (W.D.N.Y. Mar. 18, 2016) (step one FLSA certification of a class of 62,000 tipped employees); Garcia v. JC Penney Corp., Inc., No. 12-CV-3687, 2016 WL 878203 (N.D. Ill. Mar. 8, 2016) (class action for owed pay for over 36,000 employees); Kernats v. Comcast Corp. Inc., Nos. 09 C 3368 and 09 C 4305, 2010 U.S. Dist. LEXIS 112071 (N.D. Ill. Oct. 20, 2010); Driver v. Apple Illinois, LLC, 265 F.R.D. 293, 311 (N.D. Ill. 2010) & Driver, No. 06 C

6149, 2012 U.S. Dist. LEXIS 27659, at *15 (N.D. Ill. Mar. 2, 2012) (decertification denied).

11. My current hourly rate is \$1,141. This rate reflects my experience, accomplishments, the complexity of the matters I routinely handle, the rates I charge hourly paying clients, and the prevailing market rates in Chicago.

12. I am familiar with the customary hourly rates charged by other attorneys in Chicago. I believe the following hourly rates are reasonable: between \$800 to \$1,150 in Chicago for senior partners with meaningful litigation, experience and accomplishments, between \$650 to \$800 for partners with meaningful experience and expertise, between \$450 and \$650 for experienced associate attorneys, and between \$300 to \$450 for more junior attorney. I also believe the hourly rates of \$150 to \$325 for staff and paralegals, depending on experience and skill level, is reasonable.

Executed on April 14, 2025.



DOUG WERMAN